**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 16249 of 2005**

Between:

G.Ravinder Reddy, s/o G.M.Reddy,
S.A.Bharathiya Vidyanikethan High School, Mehabubnagar, Mehabubnagar District.

**..... PETITIONER**

AND

1 The Government of Andhra Pradesh, rep., by its Secretary, Education Department, Secretariat, Hyderabad. and others

**.....RESPONDENTS**

**Counsel for the Petitioner: MR.KOONA REDDY ANJI REDDY**

**Counsel for the Respondents: GP FOR SCHOOL EDUCATION**

-

-

-

-

-

-

-

-

-

-

**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

**WRIT PETITION NO : 16249 of 2005**

**ORDER:**

This writ petition is filed by the petitioner seeking Writ of *Mandamus* declaring the action of the respondents in not giving effect or not following G.O.Ms.No.398, Education (PS.2) Department, dated 31.10.1994, according to which, the retrospective date i.e., 01.04.1994 as the date of admission into Grant-in-aid is to be given in the case of the petitioner as given in the case of other candidates of the same school in pursuance of the Special Officer's proceedings, as illegal, arbitrary and violative of the Government Orders and offends the provisions of the

Constitution of India and consequently sought for a direction to the respondents to follow the G.O.Ms.No.398 dated 31.10.1994 for giving effect of Grant-in-aid from 01.04.1994 as was done in the case of others.

2. The petitioner claims that he was appointed as SGBT School Assistant (Mathematics) on 01.04.1994 as per G.O.Ms.No.398 dated 31.10.1994 by virtue of the Special Officer's Order No.28/96 dated 14.03.1996. The grievance of the petitioner is that the said order was not implemented admitting his post into the Grant-in-aid from 01.04.1994. The petitioner, on an earlier occasion, filed Writ Petition No.800 of 2004 seeking almost identical relief and in fact represented that his representation dated 17.03.2003 was pending before the first respondent herein. Therefore, this Court disposed of the writ petition by an order dated 08.10.2004 directing the first respondent herein to dispose of the representation of the petitioner by passing appropriate orders within a period of six weeks from the date of receipt of a copy of that order. Thereafter, the first respondent herein, in fact, passed an order on 30.03.2005. But, however, negatived the claim of the petitioner for admitting him into the Grant-in-aid post w.e.f 01.04.1994. The grievance of the petitioner is that in the said order, the first respondent did not refer to the G.O.Ms.No.398 dated 31.10.1984. Therefore, the order passed was not just and proper. But, however, the petitioner without assailing the said order dated 30.03.2005, filed the present writ petition seeking a direction to the respondents to implement the G.O.Ms.NO.398 dated 31.10.1984 granting the benefit of admission into Grant-in-aid with retrospective effect i.e., 01.04.1994.

3. At the time of hearing, this Court, found that when an order was passed by the Government on 30.03.2005 as per the directions of this Court dated 08.10.2004, if the petitioner is aggrieved against the said order, it is for him to assail the said order. But, ignoring the said order passed by the Government negativing the claim of the petitioner, it is not open for him to file another writ petition seeking the same relief of implementation of G.O.Ms.NO.398 dated 31.10.1994, which was the relief sought for even in the earlier writ petition. Under the above circumstances, the writ petition is not maintainable and the same is accordingly dismissed. However, it is open for the petitioner to assail the said order dated 30.03.2005 passed by the Government.

4. The writ petition is accordingly dismissed. No costs.

**S. Ananda Reddy, J**

Date: 27.07.2005

va